

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1966**, requested by Dennis McCulley, Trustee of the La Mountain Trust, to preserve the landmark Joseph Grainger House by using the house as four dwelling units plus two bed and breakfast suites, on property located at 1970 "B" Street.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/07/02
Administrative Action: 08/07/02

RECOMMENDATION: Conditional Approval, with amendment to allow two bed and breakfast suites plus one owner dwelling unit (5-2: Taylor, Larson, Newman, Carlson and Schwinn voting 'yes'; Steward and Bills-Strand voting 'no'; Duvall and Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval of two bed and breakfast suites, plus four dwelling units (apartments), is based upon the "Analysis" as set forth on p.3-5, concluding that the requested use is comparable in intensity to permitted uses within the district and may promote the improved maintenance and preservation of the landmark property. Therefore, it appears to be in conformance with Chapter 27.57 of the Zoning Code and with the Comprehensive Plan.
2. The applicant's testimony is found on p.7 and 10-11.
3. Testimony in support (contingent upon an amendment to Condition #1) by Ken Winston on behalf of the Near South Neighborhood Association is found on p.7-8. The Near South Neighborhood Association submitted a proposed amendment to Condition #1 to allow two bed and breakfast suites, plus one owner dwelling unit (p.21).
4. The response by the applicant to the opposition is found on p.9.
5. Testimony in opposition is found on p.8-9, and the record consists of two letters in opposition (p.22-25).
6. The applicant's response to the testimony in opposition is found on p.10-11.
7. On August 7, 2002, the Planning Commission voted 5-2 to recommend conditional approval, with the amendment as proposed by the Near South Neighborhood Association to allow two bed and breakfast suites, plus one owner dwelling unit.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 12, 2002

REVIEWED BY: _____

DATE: August 12, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1966

W44

DATE: July 26, 2002

PROPOSAL: Dennis McCulley, Trustee, La Mountain Trust, has requested a special permit to preserve the landmark Joseph Grainger House by using the house as four dwelling units plus two (2) bed and breakfast suites.

CONCLUSION: The requested use is comparable in intensity to permitted uses within the district and may promote the improved maintenance and preservation of the landmark property. Therefore it appears to be in conformance with chapter 27.57 of the Zoning Code and with the Comprehensive Plan.

APPLICANT: Dennis McCulley, Trustee, La Mountain Trust
1970 B Street, Lincoln, NE 68502
(402)742-3196

LOCATION: Northwest corner of 20th and “B” Streets (1970 “B” Street).

REQUESTED ACTION: Approval of Special Permit to use the landmark as a two-suite Bed and Breakfast facility, plus four dwelling units.

ASSOCIATED REQUEST: None.

LEGAL DESCRIPTION: The south 142 feet of Lot 1, Mount Emerald Addition, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-6 Residential with individual landmark designation (Ordinance 13960, 1984) and landmark district designation (Mt. Emerald District, Ordinance 13202, 1981).

SIZE: .49 acres (more or less)

EXISTING LAND USE: Multiple-family residence (6 units).

SURROUNDING LAND USE AND ZONING: Single-family residential and multiple-family residential, zoned R-6, north, south, west, zoned R-5, east.

HISTORY: The subject property was designated an individual landmark in association with a special permit request in 1984. The special permit, to operate a restaurant in the house, as not approved, but the landmark designation was made. The house was included as a contributing property within the first landmark district designated by the City in 1981 (Mount Emerald Landmark District). Constructed in 1907, the Grainger House was maintained as a single-family residence until the 1950's when it was converted into six (6) units.

ANALYSIS:

1. This is a request to use the 2 ½ story building at 1970 “B” Street, the Joseph Grainger House, as a two (2) suite “Bed and Breakfast” with the property-owners also using the building as their residence and renting three apartments, under a special permit for historic preservation. The existing property was designated as a local landmark in 1984, Ordinance no. 13960. It is located in the Mount Emerald area of the Near South Neighborhood. Mount Emerald Historic District was listed on the National Register of Historic Places in 1980. Most of the National Register District was designated as local landmark districts in 1981 and 1983.
2. Lincoln Municipal Code Section 27.63.400 states, in part:

In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.

(a) *The City Council may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:*

 - (1) *The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*
 - (2) *The extent to which economic factors necessitate the change in use;*
 - (3) *The extent of proposed exterior change to the structure or site;*
 - (4) *The impact on the surrounding area;*
 - (5) *The compatibility of the proposed use to the structure or site and the surrounding area; and*
 - (6) *The manner in which the public will be benefitted by such proposed use.*
3. The first consideration of 27.63.400--the significance of the structure, appears amply met. The landmark application for the Joseph Grainger House (1970 “B” Street) states in part:

The house is a fine example, nearly unaltered, of a large home built in the early 20th century by a prominent businessman for his family and servants. It occupies the site of the John Fitzgerald mansion, a much larger lot than any in this historic district, except the Phillips and Leonard houses. The setting with open space and the large variety of trees, make it unusual, if not unique for houses of the period....

4. Regarding the second point for consideration raised by 27.63.400--the degree of variation between the requested use and uses allowed in the district--the degree might be described as modest. The proposed continuation of residential use at 1970 "B" St. is allowed in the R-6 Residential District. The proposed Bed and Breakfast use would not be allowed without a special permit.

The R-6 district is described as in the zoning code "a redeveloping area of comparatively high density residential use" which in addition to houses, duplexes, and apartments, allows fraternities and sororities, private clubs, and apartment hotels. Accommodation of transient guests in a bed and breakfast facility is regarded as a commercial rather than residential use, but resembles a short-term residential use. The subject property had previously been divided into six apartments. The change to the use as four residential units plus two bed and breakfast suites is comparable in density. Also, the current R-6 zoning of the subject property and the 150' by 142' lot could potentially accommodate an additional multi-unit building.

The proposal does not request use of the house for special events.

5. The applicants indirectly address the degree to which economic factors necessitate the proposed change by suggesting that revenues from the proposed use would "help defray the sizable costs of maintaining a structure of this size and age in an appropriate manner and allow the completion of the building sprinkler system, and remaining details and gardening projects."
6. The extent of proposed exterior changes for the two B&B suites is modest. An additional doorway would be created at the second floor level in the north (rear) wall accessing the existing fire escape. Approval of this change is recommended by the Historic Preservation Commission. A non-illuminated sign has been requested by the applicant, for the southeast corner of the property. The Historic Preservation Commission recommended authorization of a sign at this location, conditioned upon approval by the Commission of a "Certificate of Appropriateness."

The applicant proposed addition of a new fire escape on the west side of the house to accommodate a third B&B suite. The Commission did not recommend approval of this fire escape or the associated third suite, but instead recommended the project begin with two suites, as requested. The proposed fire escape (design enclosed) was not found appropriate in its impact on historic features of the house.

Another exterior modification to the rear (north) facade, in the form of a second story addition and another fire-escape stairs on the northwest corner, was discussed in concept with the Commission but has not been designed nor has it been acted upon.

7. Parking is proposed to be accommodated on existing pavement along the alley. Approximately six stalls appear to be available, but a requirement from Public Works that the parking plans should be dimensioned has not yet been met.
8. The Historic Preservation Commission reviewed proposals from Mr. McCulley beginning in March, 2002 and made recommendations toward a complete application. On July 18, 2002

the Preservation Commission recommended approval of two B&B suites and a non-illuminated sign at the southeast corner of the property, with a condition that prior to installation the sign be reviewed and approved under the Certificate of Appropriateness procedure.

9. The *2025 Comprehensive Plan* acknowledges “The city...offers limited assistance through regulatory or financial incentives, such as special permits for innovative uses of landmarks,” while noting that “most preservation work must be carried out by individual property owners, and this plan recognizes the central role of private property owners.” (P. E82). Furthermore, the *Plan* calls for “incentives and regulatory support for the rehabilitation of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings.” (P. F136)

Recommended finding: 1) The proposed Bed & Breakfast use appears to be comparable in intensity to the use currently permitted by right in the house, and is less intensive than further development of housing on the site which the R-6 zoning would permit by right.

2) Owner-occupancy and heightened maintenance of the house and yard are desirable, as is opening the interior to semi-public access.

3) The request conforms with the purposes of Chapter 27.57 of the zoning code and with the Comprehensive Plan.

STAFF RECOMMENDATION:

That the Commission recommend approval (with conditions) of use of the house for two Bed and Breakfast suites and four apartments to the City Council, reserving review by Historic Preservation Commission of a Certificate of Appropriateness for any signs or other exterior modifications.

CONDITIONS:

Site Specific:

1. This approval permits the use of the Joseph Grainger House as a two (2) suite Bed and Breakfast, plus ~~four dwelling units (apartments)~~ one owner dwelling unit. **(**Per Planning Commission, at the request of the Near South Neighborhood Association, 8/07/02**)**
2. A revised site plan dimensioning the parking stalls shall be submitted prior to scheduling of public hearing before City Council.
3. Signs for the landmark must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to installation.

General:

4. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the Bed & Breakfast suites, all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit, approved by the City Council represents the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Edward F. Zimmer, Ph.D.
Planner II

SPECIAL PERMIT NO. 1966

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

Staff recommendation: Conditional approval of a two-suite Bed & Breakfast, plus four dwelling units (apartments).

Proponents

1. Dennis E. McCulley, 1970 "B" Street, Trustee of the La Mountain Trust, presented the application as the applicant. The property is zoned R-6 and he is asking for two units to be used as bed and breakfast (hereinafter B&B) units, with two additional units in the basement and his own personal residence.

2. Ken Winston, 1915 "B" Street, testified in support on behalf of the **Near South Neighborhood Association**. The Neighborhood Association supports the application if the permit is amended to allow two B&B suites and one owner dwelling unit. The Neighborhood Association is pleased with the idea of this dwelling being returned to owner-occupant because it is a very prevalent historic house. However, there are concerns about the bed and breakfast. The Association would prefer it be a single family dwelling because that is the direction the neighborhood is going; however, if it is going to be a B&B, the Association consistently supports a reduction in density in the neighborhood. The applicant's proposal is for two units for the B&B, plus four apartment units, which would actually be an increase in density. The Association is strongly in support of any historic preservation of the neighborhood and the dwellings in the neighborhood.

Winston advised that the Association has worked with the applicant on three occasions at the neighborhood association meetings, and Winston indicated that he spoke in support at the Historic Preservation Commission on two occasions.

Winston did state that the Association does have concerns because there have been a number of changes along the way. One of the reasons this process has taken so long is because the applicant brought one proposal to the Neighborhood Association and then a different proposal to the Historic Preservation Commission. When the neighbors wrote letters in support of a three-unit bed and breakfast, they did not believe there would be any additional units, i.e. a 6-unit facility. The application was later changed to a 2-unit B&B and letters were written in support. However, today's application is somewhat different with a change in the number of dwelling units.

Winston clarified that the Neighborhood Association supports only a 3-unit bed and breakfast. Therefore, the Neighborhood Association is offering an amendment to allow for two B&B units and one dwelling unit for the owners. It has also been previously agreed that there would be no events that take place on the premises; that there be no lights on the premises; that any signage would be limited; and that all historic preservation requirements would be met.

In addition, Winston stated that the Neighborhood Association had concerns at one point about the proposal by McCulley to put a fire escape on the west side of the building. The Neighborhood Association does not know whether that is a requirement by code, but there are concerns in terms of whether it fits with the historic character of the building.

In summary, Winston stated that the Near South Neighborhood Association would like to see the proposal go forward if limited to two bed and breakfast units and one owner dwelling unit. If this is not the case, the Neighborhood Association will be opposed.

Newman sought clarification that the original proposal was for three suites total, and then it became a proposal for the residence quarters for the owner as well. Winston stated that things have changed from time to time. In March of 2002, it was going to be a total of three suites, i.e. two bed and breakfast suites plus the living quarters for the owner. The continuous changes cause the neighborhood some concern.

Opposition

1. John Mercier, 1930 “B” Street, testified in opposition. There were five meetings before the Historic Preservation Commission (HPC) on this application, and at each of those meetings Mr. McCulley offered proposals that were different in one form or another, including additions in the form of separate buildings, additions on the building site, numerous fire escapes that could potentially be added, and threats to increase rental space up to 9 additional units on the property. Mercier is a concerned neighbor and wants to know the exact intent of the applicant. He is certain that McCulley does not intend to confuse the neighbors, but that is what has come from all of the potential changes that have come forward. Mercier requested that the Commission understand the neighborhood concerns and he is hopeful there is not a rush to vote on this application today. He has copies of the different proposals received over the last six months if the Commission is interested. Who regulates any of the changes that he is about to make? What is the long term impact on the neighborhood? If McCulley decides to have a B&B, Mercier wants to know who would regulate that use. Would it be up to the neighborhood to “watch out” to make sure that large events are not occurring?

2. Bill Svoboda, 1955 “C” Street, testified in opposition. He noted that the report indicates that the yard will be taken care of in 12-months time. Whose responsibility is that? Who decides what is a “small tasteful sign”? Schwinn believes that would be covered by the zoning code requirements. Svoboda believes there are too many generalities in the report and conditions.

Carlson believes the signage will have to go back to the HPC to be approved.

3. Rob Poggenpohl, 1975 “B” Street, testified in opposition. He is also a Near South Neighborhood representative. From the beginning, his heart told him he did not want a B&B across the street from his home. But the plan didn’t seem too bad with a total of three suites and he decided he would support it. Then the Neighborhood Association began to work with the applicant. At that point, the proposal continually changed from three units to five to six to whatever from month to month. There was something a little bit different presented at every meeting. He believes the neighbors could live with the original plan for a total of three suites. He supports the original application with the amendment proposed by the Neighborhood Association. The neighbors want a solid plan. He believes that

McCulley needs the B&B for cash flow purposes; however, Poggenpohl pointed out that the two houses south of the site have been de-converted and two houses to the west have been de-converted. In addition, if we are saving a historical house, hanging three fire escapes from it does not help preserve it. He believes this home would be purchased as a single family residence.

4. John R. Thompson, 1264 So. 20th Street, testified in opposition. His property is directly east across 20th from the applicant's property, separated by a 25' paved street. This proposal would result in a significant change for this neighborhood. This is a residential area with a number of children and no commercial property. There are two churches and one church office in the area. He believes it was improper for brokers or agents for Woods Brothers Realty to have participated and voted on the application at the HPC. He believes that an impact study should have been made available to each of the bodies considering this proposal, including the Planning Commission. His concerns are: 1) existing traffic is heavy and the area will not tolerate more; 2) property values will be affected; 3) children will suffer increased danger from traffic, noise and the transient population; and 4) all of the neighborhood homes are of historical value.

Thompson does not believe that anyone has taken steps to "review the impact on the surrounding area". An impact study should be done or the application should be denied.

Staff questions

Newman inquired about standards for and regulation of bed & breakfasts. Ed Zimmer, Historic Preservation Planner, indicated that in Lincoln, B&B facilities are not cited specifically in the zoning code as an activity or use. All of the B&B facilities in Lincoln operate by "landmark special permit", which addresses their zoning regulation. In conversation with people who have operated B&B facilities, Zimmer believes they are regulated by the Building & Safety Department in terms of life safety code and fire code. Depending on their size, they have differing relationships with the Health Department. The smaller ones are not viewed as a lodging facility, but larger ones are. There is a multiplicity of agencies with involvement. Applicants are often frustrated that there is not a central "bed & breakfast czar", but the zoning issue has been handled to date exclusively through the landmark special permit.

Newman inquired about the parking requirements. Zimmer indicated that the rule of thumb for parking through the landmark special permit is at least one parking stall per B&B room or suite, and at least one parking stall per residential unit. If we have an owner plus 5 units, we seek a minimum of 6 stalls. That is the standard that has been applied traditionally. There have been a small number of bed & breakfasts that have not required on-site parking, given their specific setting and small size.

Newman wondered whether it's a judgment call as to whether this is an appropriate use for this property. Zimmer enumerated the six considerations ultimately judged by the City Council. The HPC and Planning Commission are advisory on those six considerations. The staff report is the basis upon which the City Council conducts the review of the impact of those various items. This has been the practice since 1983.

Schwinn asked who controls the compliance with the issue of no special events. He knows that the Rogers House has had some special events. Zimmer pointed out that this application is quite specific

that special events are not part of the package. The special permit includes the dwelling units and the B&B use, but special events are not part of this permit. Broadly, special permits are regulated by Building & Safety for compliance with the terms on which they are issued. If there were big events in the yard, neighbors would have grounds to make a complaint and a show cause hearing can be called for the Council to determine whether the conditions are being met and the permit can be revoked. Schwinn assumes that also goes for who controls the maintenance. Zimmer advised that maintenance is the responsibility of the property owner. There is a site plan within the package showing their goal.

On the matter of frequent change of direction or plans by the applicant, Steward inquired whether Zimmer has been involved in those discussions. Zimmer responded that this has been an evolving application. Some of those elements of evolution have been in response to concerns raised by the neighbors, e.g. special events. The HPC has attempted to recommend a comprehensible package on which they could make a recommendation and one that they felt discharged their particular responsibility for the preservation of the building. Their concerns about the preservation impact of additional fire escapes prompted them toward the two-suite concept which would not require additional exterior exiting. The HPC was not comfortable going beyond two B&B suites. Zimmer believes this is a superior application to the one with which they began discussion.

Newman asked whether there are any other B&B facilities in Lincoln that have the combination of B&B and apartments. Zimmer stated that there are combined B&Bs and dwelling units. In some cases that is the owner's unit and in some cases it is the manager's apartment. The small one in the 2700 block of "P" Street approved several years ago did combine rental apartments and a small number of B&B suites and did not have the owner living in the building.

Response by the Applicant

McCulley stated that one of the reasons change happens so often is that he has tried to be amenable to the neighborhood concerns. He has not seen the amendment proposed by the Neighborhood Association.

McCulley stated that he started out with a proposal for three suites, and then he was advised that he would need to include anything that he might do in the future. There are two units in the basement (sleeping rooms). He had planned to combine those two units with his living unit and this was discussed with the fire department. He is now proposing the two B&B suites in response to the neighbors. However, he has heard more concerns today than in the past. He is looking at the possibility of doing the third suite. His own living unit would be the fourth suite and the two units in the basement could be combined with the owner's living unit. Typically, there is 20-30 percent occupancy the first year and 40-50 percent from that point on. McCulley purports that this application would have less impact on the neighborhood than is being alleged. He would still want the two apartment units in the basement.

From a parking standpoint, McCulley believes it has less impact on the neighborhood. A B&B would have less impact than a six-plex. He is not interested in building 6-9 units on that lot. His intent is to have two to three B&B units, with two sleeping rooms in the basement, and his dwelling unit.

McCulley pointed out that the Rogers House is one and one-half block away with two rental units in the basement. There is a rental unit and apartment complex right next door and another apartment complex in the neighborhood. Thus, McCulley disagrees that this is a single family block. He is, however, attempting to make this a more single family type home with a couple of B&B units.

Schwinn inquired whether the fire escape is required for the B&B. McCulley answered in the affirmative, but it has been moved over so that they do not have to remove the roof. It will be further toward the back of the house.

Steward indicated that he was having trouble interpreting the applicant's specific response to the specific requests. McCulley stated that this is the first time he has heard the amendment requested by the neighborhood association and he objects. It is not acceptable.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 7, 2002

Carlson moved to approve the staff recommendation of conditional approval, with the amendment requested by the Near South Neighborhood Association, seconded by Taylor.

Carlson does not believe the amendment represents that much of a difference. The return to owner/occupancy is clearly to the best interests of the building; you can do a B&B and you can do it well; their short range plan is two suites plus the owner suite, and incorporating the units in the basement to the owner suite could be accomplished with this amendment. The better process is to go with what works now and come back if there is a desire to amend it in the future. He believes this is a good compromise and a chance for the owner to get in and prove himself to the neighborhood.

Bills-Strand commented that it is a beautiful neighborhood and McCulley is the property owner. She would be in favor of the status quo until he can reach agreement with the neighbors. She would prefer deferral so that the applicant and the neighbors can work something out.

Newman believes that the owner can always come back and request an amendment to the special permit. Schwinn confirmed that he can change the special permit or he can proceed to public hearing before the City Council with his request.

Taylor noted that the applicant and the neighbors are not in accord. But he believes that the neighbors are doing their best to work with the applicant by agreeing with the original proposal.

Motion for conditional approval, with amendment, carried 5-2: Taylor, Larson, Newman, Carlson and Schwinn voting 'yes'; Steward and Bills-Strand voting 'no'; Duvall and Krieser absent. The Planning Commission recommends approval of two (2) bed & breakfast suites, plus one owner dwelling unit.

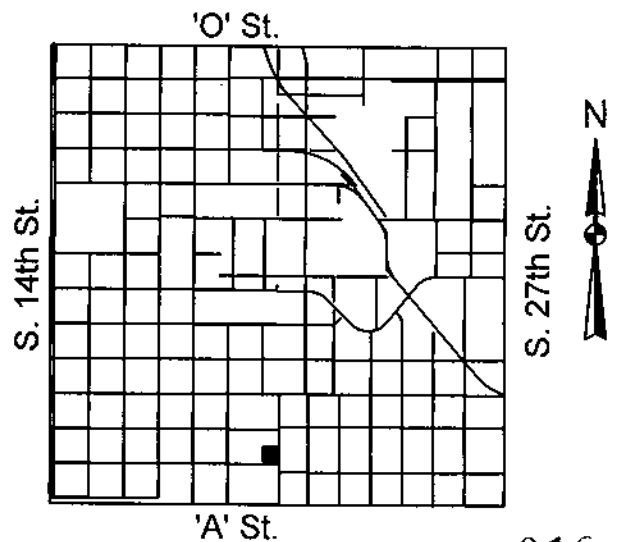
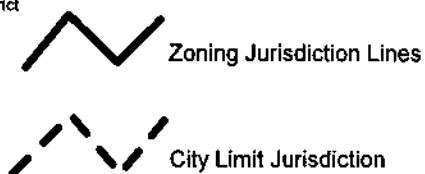


Special Permit #1966 S. 20th & 'B' St.

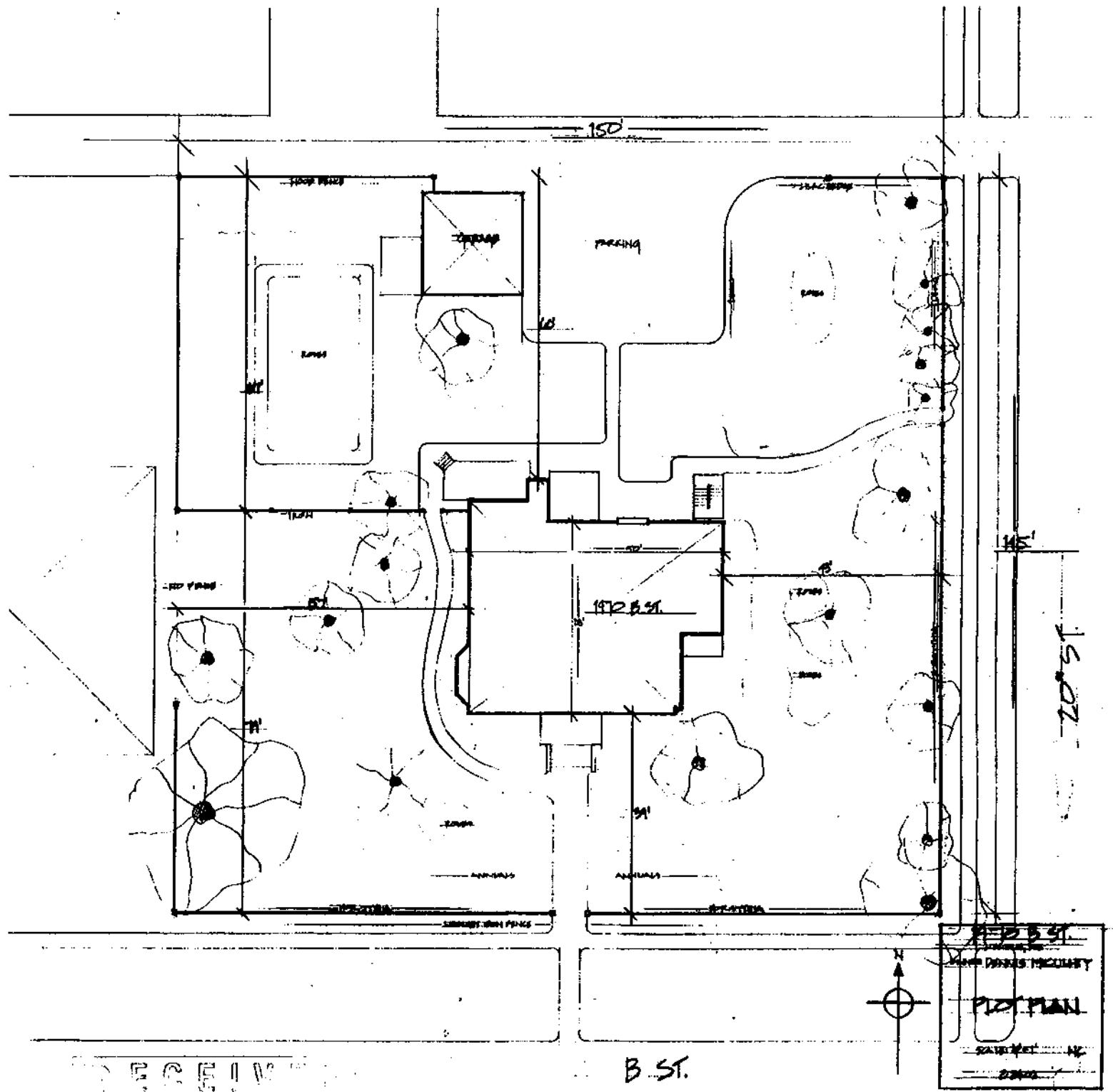
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 25 T10N R6E



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July 15, 2002
**AMENDMENT TO THE
TO SPECIAL PERMIT
APPENDUM "A"**

To Application for Special Permit For "New Name"
"A HOME AWAY FROM HOME"
GRAINGER HOUSE - BED AND BREAKFAST
For 1970 B Street, Lincoln, Ne. 68502

Item 1: The attached Exhibit "1" presents a site plan for the subject property showing the location of all existing structures. Exhibit "2" presents the interior of the subject property showing all rooms. Owner requests: (1) approval of a two suite Bed and Breakfast, (2) Upon completion of drawings for fire exit to 2nd floor south-west unit, a request will be made for a third suite; and ... (3) There will also be a future request for the expansion of the "maids" quarters on the north-west corner of the second floor. This expansion will enlarge that bedroom toward the rear of the house, and will include a fire exit off the back to the year yard. This exit will begin approximately in the middle of the house, and go north down to the ground. This expanded bedroom will become McCulley's bedroom. The addition to the maids room will be stucco to match the second floor of the current building; and will be 15' by 15'.

No other changes are planned at this time for the building or grounds except for the proposed signage as discussed in item 5 below. A landscaping plan has also been attached for review as exhibit "3" with attachments. The landscaping plan will be essentially completed over a twelve-month period. The anticipated landscaping will provide excellent screening from the street for the off-street parking area and for the additional fire exits.

The "new" name will be "A HOME AWAY FROM HOME" - GRAINGER HOUSE - BED AND BREAKFAST, replacing The Grainger House Bed and Breakfast.

Item 2: Parking will be available at the subject property as stated above, next to the garage. The garage can hold one car, and there are currently four additional parking spaces. All parking stalls will be marked within correct dimensions and regulations.

It should be noted that the six apartments which were previously located in this house generated a potential need for as many as 8-10 cars, located primarily on 20th street and on B street on a day-in/-out basis. Over-night guests allowed under the proposed special permit will be utilizing the off-street parking areas and will not create any street parking problems.

Item 3: No significant modifications of the existing site or exterior structures, other than those stated in item 1, and 5 are necessary to carry out the intended use requested by this special permit.

Item 4: Constructed in 1910, the subject property was maintained as a single-family residence until the 1950's when it was converted into six (6) units with the owner living in one of the units. The current owners, the McCulley's, will be living in the subject property beginning June 1st, 2002; in the first floor Unit #1, second floor Unit #3 will continue to be used as an apartment unit until approval for fire exit is made; basement Units #5, and #6 will remain as apartments. Unit #4 will be the first unit converted to a B & B January 1, 2003; and when demand

as an apartment until such time. The property is currently licensed for 6 units and will continue to have Units 2, 3, 5, 6 as apartments; with the owners unit being part of the B & B. ..

Item 5: The special permit application includes a request for a proposed business sign to be located at the corner of 20th & B. The requested sign will be hung on a 8' high fence/gate post.. There will be a double sided sign hanging from the old gate post. The B & B portion of the sign will not be lighted, and will simply say: (see attached sign exhibit)

Item 6: The current R-6 zoning of the subject property and the one-hundred-fifty by one-hundred-forty-two foot lot could potentially accommodate an additional six (6) unit building as an addition to the current building. The current R-6 zoning shall be retained and if property is withdrawn for use as a B & B the grand-fathered R-6 zoning shall remain. This building could be added to; and could accommodate a total of nineteen (19) units. However, at this time, the current owners prefer not to take this approach on the property. They would prefer to improve, preserve and protect the unique characteristics of one of Lincoln's unique 19th century homes. The Bed and Breakfast will consist of three suites total, or a total of five to six bedrooms.

Permitting the use of this house as four suites and/or five bedroom, Bed and Breakfast will benefit both the building and the City. Revenue generated by this usage will help to defray the sizable costs of maintaining a structure of this size and age in an appropriate manner and allow completion of the building sprinkler system, and remaining details and gardening projects. The community will benefit from the opportunity to enjoy an extraordinary private home which would typically not be open to the public.

Fire Exit – A request will be made for an additional fire exit out of the addition to the maids room out the back or rear of the building; and one out of the southwest side of the house. The fire exit out of the west side will come straight down the side of the house, and will cover the two current air conditioners. In addition there will be a roses growing up the side of this fire exit.

Finally, McCulley would initially offer one unit in Unit #4; with the later expansion to Unit #2 on the second floor. Unit #3 will depend on the approval of the fire exit out of the southwest side of the house.. The expansion of the maids room will allow for an owners second floor bedroom with direct access to the first floor, for the owners.

Because of the denial of the events issue for the bed and breakfast, it is necessary to allow the additional suite on the second floor/southwest corner; and a fire exit from that unit.

Submitted By: *Dennis McCulley*
La Mountain Trust, Dennis McCulley, Trustee

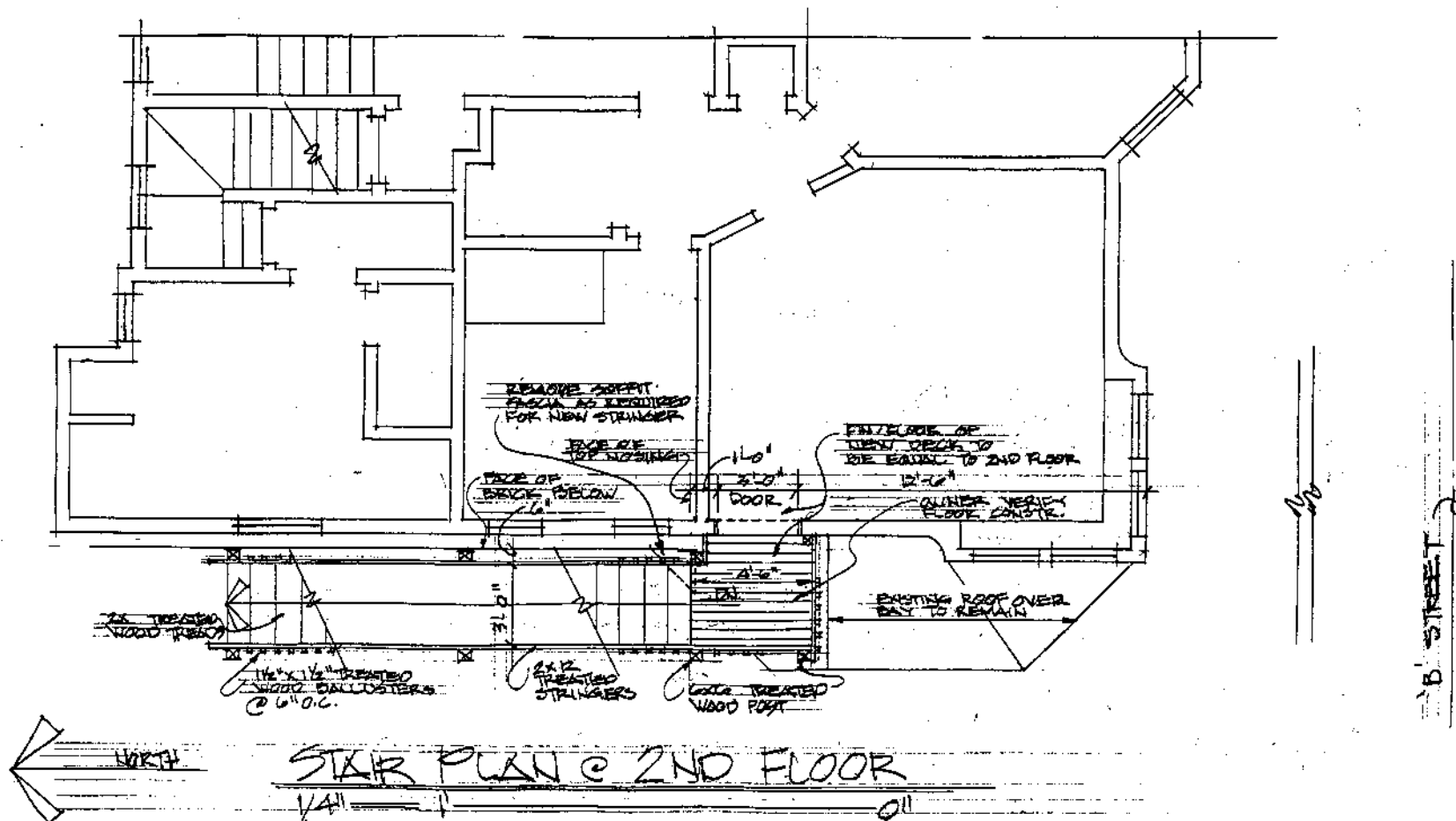
NEW STAIRS for
1970 'B' STREET
 LINCOLN — NEBRASKA
 7/18/02

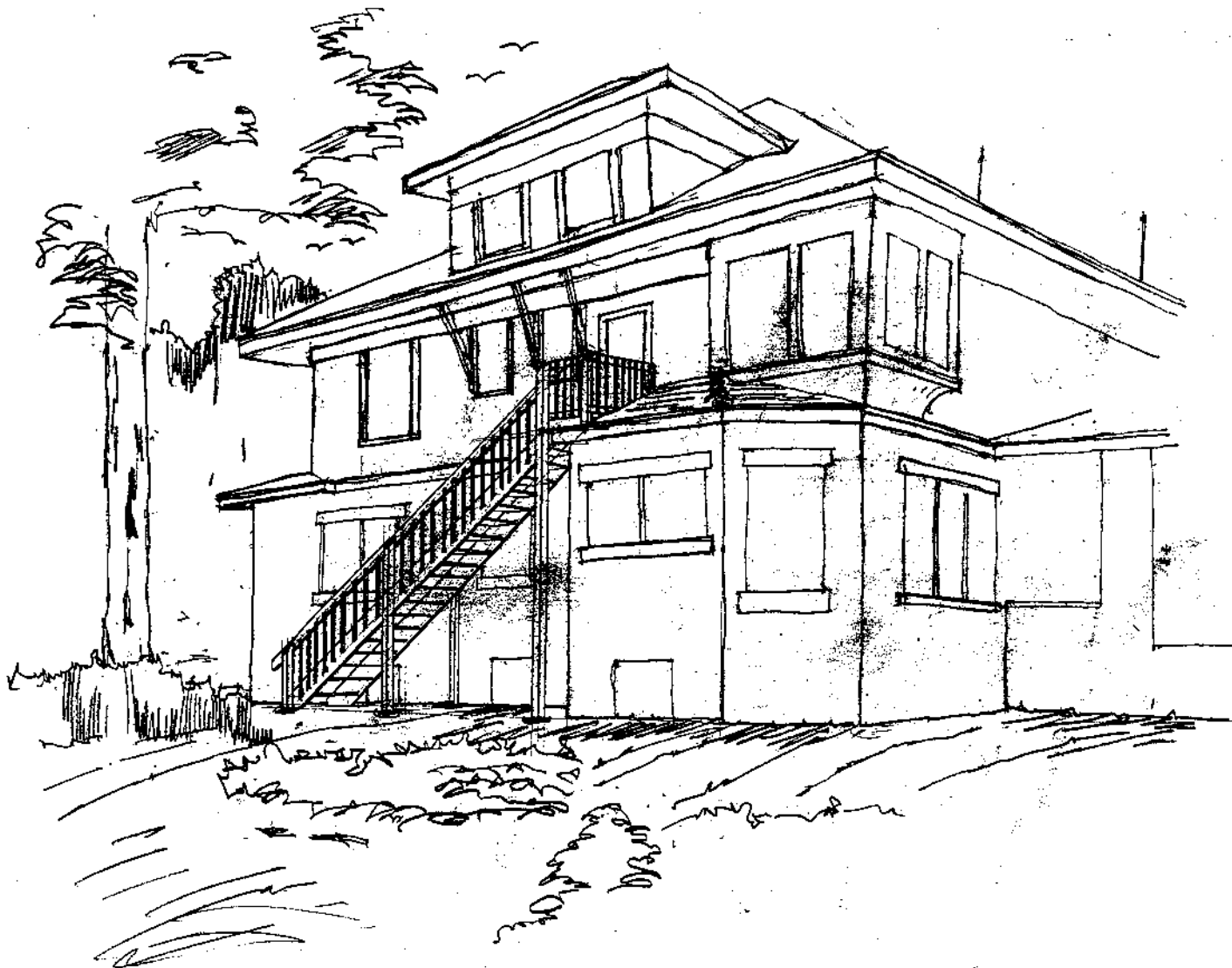


WEST ELEVATION

UNION NEBRASKA

7/18/02





NEW STAR
PERSPECTIVE
B STREET VIEW NE
1970 B STREET
LINCOLN, NEBRASKA

7/18/02

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Ed Zimmer

DATE: 3/26/2002

DEPARTMENT: Planning

FROM: Chris Schroeder
Jerry Hood

ATTENTION:

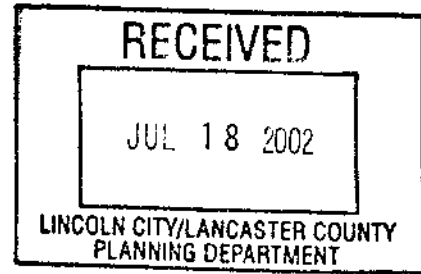
DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: Joseph Grainger House
SP #1966 72 HP

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the requested special permit with the following noted:

- In the accompanying documentation, the application does mention that some minor remodeling will take place. If any building materials are disturbed during this process, i.e. drywall, ceiling spray-on, thermal insulation, plaster, etc., the Environmental Protection Agency's (EPA) National Emission Standards for Hazardous Air Pollutants (NESHAP) requires that an Asbestos survey must be conducted and a notification of renovation submitted ten days prior to the start of renovation to Harry LeDuc, LLCHD, 3140 'N' Street, Lincoln, NE 68510-1514. Mr. LeDuc can be contacted at 441-8034.
- According to the Food Section of the LLCHD, there are no food regulations that are applicable to Bed and Breakfast facilities.



July 18, 2002

Robert Ripley, Chairperson
Lincoln Historic Preservation Commission
555 S. 10th
Lincoln, NE 68508

RE: Application for Bed & Breakfast at 1970 B St.

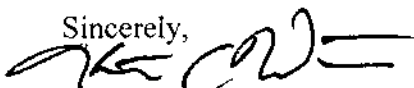
Dear Mr. Ripley:

I am writing you and the members of the Historic Preservation Commission on behalf of the Near South Neighborhood Association regarding the application by Dennis and Glenda McCulley to establish a Bed and Breakfast at 1970 B Street. Mr. McCulley made a presentation regarding their plans at the July 8, 2002 meeting of the board of the Near South Neighborhood Association. In my letter of June 20, 2002, I indicated that the Neighborhood Association would support the McCulley's proposal for a three-unit bed and breakfast, no events, and a sign on the gate. It is my understanding that Mr. McCulley has since modified his proposal to a two-unit bed and breakfast. If that proposal also specifies no events and a small tasteful sign in keeping with the character of the house and the neighborhood, as indicated in my letter of June 20, 2002, I would anticipate that our board would support this proposal not only before the Historic Preservation Commission, but before the Planning Commission and the City Council as well. We would ask that any further design changes be dealt with at a later date.

At the July 8, 2002 meeting, Mr. McCulley presented a rough drawing of a proposed fire escape and asked the Neighborhood Association to take a position on this issue. Although the board did not take a position on this issue, the general consensus was in opposition to alterations of the exterior of the building that might impact its historic character. However, if Building and Safety deems a fire escape necessary, we would request that any structure be consistent with the recommendations of this commission for preservation of the appearance and historic character of this house.

Your thoughtful consideration of this matter is appreciated.

Sincerely,



Kenneth C. Winston
Issues Vice President

020

Condition #1 This approval permits the use of the Joseph Granger House as a two (2) suite Bed and Breakfast, ~~plus four dwelling units (apartments)~~ plus one owner dwelling unit.

SUBMITTED AT PUBLIC HEARING BEFORE
THE PLANNING COMMISSION ON 8/7/02 by the
NEAR SOUTH NEIGHBORHOOD ASSOCIATION

John R. Thompson
1264 South 20th Street
Lincoln, NE 68502

August 7, 2002

Chairman and Members
Lincoln / Lancaster Co. Planning Com.
County/City Building
Lincoln, Nebraska

Re: Special Permit No. 1966
South 20th St. and B St.

Dear Chairman and Members:

For over 41 years our family has lived at 1264 South 20th Street. Our property is located East across 20th from the applicant's property. We are separated by a 25 foot paved street. See the yellow shaded area on the attached plat.

This is a residential area with a number of children and no commercial property. There are, however, at least two churches and one church office, none of which have created any problems.

While the area is zoned for multiple dwellings, several of the owners have, in the last several years, remodeled their properties and converted them back to single family dwellings. We should be encouraging that behavior.

The property at 1970 'B' Street was listed with and sold to the applicant by Woods Brothers Realty. Two members of the Historical Preservation Commission are brokers or agents for Woods Brothers and participated in discussions and voting on the application. Such action is clearly at least an appearance of impropriety.

The Lincoln Municipal Code requires that the City Council may approve, by special permit, the use of the property for various functions, including as a Bed and Breakfast, but only if it reviews and considers the impact of this use on the surrounding area. See LMC §27.63.400. In other words, an impact study should have been made available to each of the bodies which

considers appropriate action, including yours.

We have attended the various meetings on this application and reviewed the minutes. There is no indication that any impact study has been done. Every meeting has produced residents who raised serious concerns about the application and the impact on their homes and lifestyle.

Some of the concerns are:


1. Existing traffic is heavy and the area will not tolerate more. More traffic can be expected if and when the property becomes commercial. Parking usage has significantly increased even before the facility has opened.
2. Property values will undoubtedly be affected by this application, if granted. By adding commercial uses to the applicant's property it will add value to that property at the expense of neighbors, who must suffer from the increasing traffic, noise and the transient customers of the facility.
3. At the same time the children in the neighborhood must suffer the increased danger of traffic, noise and the transient population.
4. All of the neighborhood's homes are of historical value. We must consider all of these homes, not just the applicant's.

There are many legitimate concerns regarding impact on the neighborhood but it appears no one has taken steps to "review the impact on the surrounding area."

We urge you to take that requirement seriously and either do an impact study as required by the code or just say "no" to the application.

Thank you for your time and consideration.

Very truly yours,



John R. Thompson

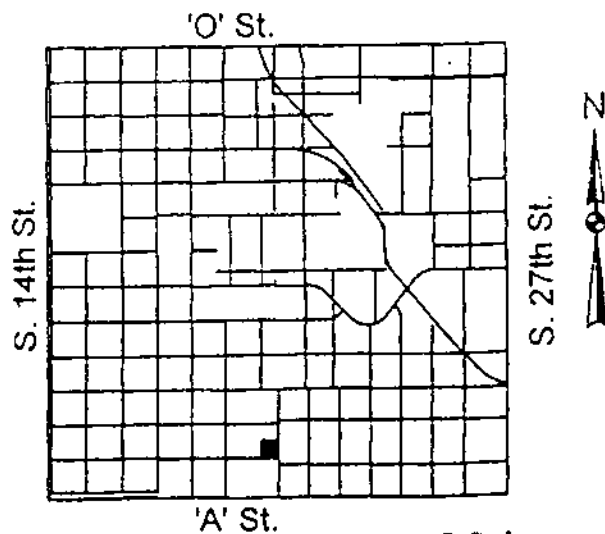
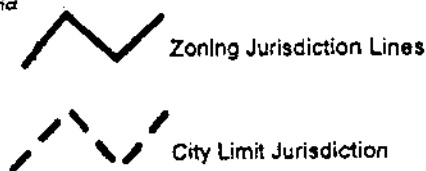


Special Permit #1966 **S. 20th & 'B' St.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 25 T10N R6E



024

2035 B Street
Lincoln, NE 68502
402-477-9603
mtaftbryant@aol.com
August 6, 2002

Lincoln/Lancaster County Planning Board

We write regarding the special permit of Dennis McCulley, Trustee, La Mountain Trust for a Bed and Breakfast at 1970 B St.

We are opposed to several items in the application.

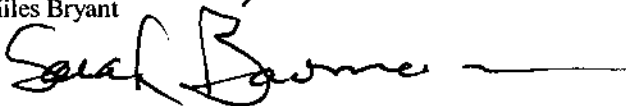
- 1) We are very much opposed to continuing the possibility of a six unit building that might be constructed on the lot. Our neighborhood needs protection against these types of "slip ins." As an area of the city, we have more than contributed our share of rental space and it is past time to cease the practice of making the inner city neighborhoods take on this public obligation of providing rental space.
- 2) The idea that this building could accommodate up to 19 units is totally unacceptable to us and would destroy the character of this historic house and flies in the face of the applicant's intent to preserve this building as a landmark building.
- 3) Given some of the internal contradictions of the permit application (e.g. is this a 20th century or 19th century house?), we wish to state that we are opposed to granting a permit to host "events." We have a Bed and Breakfast a block away that does host events which on some weekends causes street parking to be extremely difficult. We have a large and popular church several blocks away that sometimes brings hundreds of cars to the area. We do not need yet another facility that would create parking problems for the neighborhood.

We are in support of the application for a Bed and Breakfast that is limited to guests in the four suite/room configuration proposed.

Sincerely,



Miles Bryant



Sarah Bauman

